

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,	)	3:05-cr-00098-HDM
	)	3:16-cv-00255-HDM
Plaintiff,	)	
	)	
vs.	)	
	)	ORDER
JOHNATHON ROBERTS,	)	
	)	
Defendant.	)	
_____	)	

Before the court is the defendant's motion for release pending resolution of his second or successive motion pursuant to 28 U.S.C. § 2255 (ECF No. 530). The government has opposed (ECF No. 533), and defendant has replied (ECF No. 538).

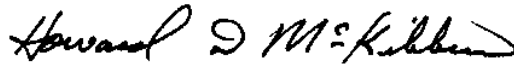
On June 2, 2016, the Court of Appeals authorized the filing of defendant's second or successive motion and indicated that although the court may consider defendant's motion, it may stay proceedings pending the circuit's decision in *United States v. Begay*, 14-10080.

On June 3, 2016, this court entered an order staying this action pending the decision in *Begay* or until further order of the court.

1 The court has the inherent power to grant bail pending  
2 resolution of a § 2255 petition, but that authority "is limited and  
3 should be exercised sparingly." See *United States v. Costa*, 2016  
4 WL 1555676, at \* 3 (D. Haw. Apr. 15, 2016). A central issue in  
5 this case is likely to be resolved by the Ninth Circuit in *Begay*,  
6 which was submitted on May 26, 2016. Therefore, the defendant's  
7 motion for release (ECF No. 530) is **DENIED WITHOUT PREJUDICE** to  
8 renew after the Ninth Circuit has rendered its decision in *Begay*.

9 IT IS SO ORDERED.

10 DATED: This 22nd day of June, 2016.

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12 UNITED STATES DISTRICT JUDGE  
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